

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 03-36220

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In re:

Jordon R. Gish,

Debtor.

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**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

TO: The Debtor above-named and his attorney,

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on September 1, 2004 at 10:15 a.m. in Courtroom No. 228B West, U.S. Bankruptcy Court, 316 North Robert Street, St. Paul, MN 55101 or as soon thereafter as counsel can be heard.

3. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than August 25, 2004 which is 7 days before the above date or filed and served by mail not later than August 20, 2004 which 10 days before the time set for hearing in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(a) and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on September 11, 2003. The case is now pending in this Court.

6. The Debtor has a Stevens .22 Automatic Rifle and Winchester 30-30 Cal. Lever. The firearms are valued at \$315. The Debtor scheduled \$100 in cash, an organ valued at \$100 and a synthesizer and piano valued at \$100.

7. The Trustee has requested copies of the Debtor's tax returns. The estate is entitled to 69.58% of the 2003 tax refunds.

8. The Trustee has also requested copies of the Debtor's checking account statements and registers covering the time period from 100 days prior to commencement of the bankruptcy case and continuing through 10 days after commencement of the bankruptcy case.

9. The Trustee has also has requested pay stubs commencing two weeks prior to commencement of the bankruptcy case and continuing through the pay period ending two weeks after commencement of the bankruptcy case. Mr. Gish has indicated that he has commission statements. The Trustee has not received those statements.

10. The Trustee has received none of the above from the Debtor.

WHEREFORE, the Trustee requests that the court enter an Order directing the Debtor to turnover to the Trustee, within 7 days from the date of the Order, the following:

1. Cash in the amount of \$100;
2. The Debtor's wedding ring;
3. Cash in the amount of \$315 as payment for the firearms;
4. \$200 as payment for the organ, synthesizer, and piano;

5. Checking account statements and registers covering the time period starting 100 days prior to commencement of the bankruptcy case and continuing through 10 days after commencement of the bankruptcy case;

6. Pay stubs or commission statements covering the pay periods commencing two weeks prior to commencement of the bankruptcy case, and continuing through the pay period ending two weeks after commencement of the bankruptcy case; and

7. Copies of 2003 tax returns together with all attachments thereto, together with a payment equal to 69.58% of any 2003 tax refunds.

**FULLER, SEAVER & RAMETTE, P.A.**

Dated: July 30, 2004

By: /e/ Randall L. Seaver

Randall L. Seaver 152882  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Jordon R. Gish, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on July 30, 2004

/e/ Randall L. Seaver

Randall L. Seaver

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 03-36220

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In re:

Jordon R. Gish,

**UNSWORN CERTIFICATE OF SERVICE**

Debtor.  
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I, Kari L. Fogarty, declare under penalty of perjury that on July 30, 2004, I mailed a copy of the Notice of Hearing and Motion for Turnover of Property and proposed Order by first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Jordon R. Gish  
155 N. Lexington Avenue  
Le Center, MN 56057

Christopher M. Kennedy  
Kennedy & Kennedy  
P.O. Box 3223  
Mankato, MN 56002-3223

Office of the United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

**FULLER, SEAVER & RAMETTE, P.A.**

Dated: July 30, 2004

By: /e/ Kari L. Fogarty  
Kari L. Fogarty  
Legal Secretary  
12400 Portland Avenue South, Suite 132  
Burnsville, MN 55337  
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

BKY No. 03-36220

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In re:

Jordon R. Gish,

**ORDER**

Debtor.  
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This matter came on for hearing before this court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein., and the Court being fully advised in the premises,

**IT IS HEREBY ORDERED:**

1. Within seven (7) days from the entry of this Order, the Debtor shall turnover to the Trustee the following:

- a. Cash in the amount of \$100;
- b. The Debtor's wedding ring;
- c. Cash in the amount of \$315 as payment for the firearms;
- d. \$200 as payment for the organ, synthesizer, and piano;
- e. Checking account statements and registers covering the time period starting 100 days prior to commencement of the bankruptcy case and continuing through 10 days after commencement of the bankruptcy case;
- f. Pay stubs or commission statements covering the pay periods commencing two weeks prior to commencement of the bankruptcy case, and continuing

through the pay period ending two weeks after commencement of the bankruptcy case; and

- g. Copies of 2003 tax returns together with all attachments thereto, together with a payment equal to 69.58% of any 2003 tax refunds.

**BY THE COURT:**

Dated: \_\_\_\_\_, 2004

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Dennis D. O'Brien  
U.S. Bankruptcy Judge